



DOCKET NO.: C1005.70008US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Pykett et al.
Serial No.: 10/088,826
Confirmation No.: 5264
Filed: August 13, 2002
For: METHODS AND DEVICES FOR OBTAINING NON-
HEMATOPOIETIC LINEAGE CELLS FROM
HEMATOPOIETIC PROGENITOR CELLS
Examiner: Michail A. Belyavskyi
Art Unit: 1644

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 27th day of September, 2005.

Emily E. Zukauskas
Emily E. Zukauskas

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing of a first Office action after the filing of a request for continued examination under 37 C.F.R. §1.114.

No fee or certification is required.

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified PTO/SB/08). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

The Applicant would like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application:

<u>Serial No.</u>	<u>Filing Date</u>	<u>Inventor(s)</u>	<u>Docket No.</u>
10/088,825	August 30, 2002	Upton et al.	*C1005.70009US00
10/515,075	November 18, 2004	Pykett et al.	*C1005.70013US00
PCT/US2005/010597	March 29, 2005	Pykett et al.	*C1005.70014WO00

*A copy of this reference is not provided as the Office has waived the requirement under 37 C.F.R. 1.98(a)(2)(iii) for submitting a copy of each cited U.S. patent application if they are scanned to Image File Wrapper system and are available on Private PAIR.

PART III: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 (modified PTO/SB/08) be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

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By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his or her own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,

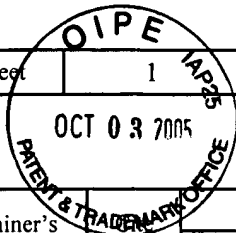
By:



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Docket No.: C1005.70008US00
Date: September 29, 2005
x09/29/05x

FORM PTO-1449/A and B (modified PTO/SB/08) INFORMATION DISCLOSURE STATEMENT BY APPLICANT		APPLICATION NO.: 10/088,826	ATTY. DOCKET NO.: C1005.70008US00
		FILING DATE: August 13, 2002	CONFIRMATION NO.: 5264
		APPLICANT: Pykett et al.	
		GROUP ART UNIT: 1644	EXAMINER: Michail A. Belyavskiy
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U.S. PATENT DOCUMENTS

Examiner's Initials #	No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or Issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
		6,440,734		Pykett et al.	08-27-2002
		6,548,299		Pykett et al.	04-15-2003
		6,645,489		Pykett et al.	11-11-2003
		2003-0096404		Pykett et al.	05-22-2003
		2005-0079609		Pykett et al.	04-14-2005

FOREIGN PATENT DOCUMENTS

Examiner's Initials #	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/Country	Number	Kind Code			
		WO	00/27999		Cytomatrix, LLC	05-18-2000	
		WO	01/21760		Cell Science Therapeutics	03-29-2001	
		WO	03/100010		Cytomatrix, LLC	12-04-2003	

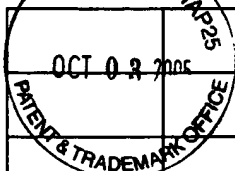
OTHER ART — NON PATENT LITERATURE DOCUMENTS

Examiner's Initials #	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
		BANU et al., Cytokine-augmented culture of haematopoietic progenitor cells in a novel three-dimensional cell growth matrix. Cytokine. 2001 Mar 21;13(6):349-58.	
		EHRING et al., Expansion of HPCs from cord blood in a novel 3D matrix. Cytotherapy. 2003;5(6):490-9. Abstract.	
		KIM et al., Effects of recombinant human bone morphogenetic protein-2 on human bone marrow cells cultured with various biomaterials. J Biomed Mater Res. 1997 Jun 5;35(3):279-85.	
		KÜHN et al., In vitro differentiation of human lymphocytes in a porcine microenvironment: implication for xenogeneic organ transplantation. Transplant Proc. 2000 Aug;32(5):1043-4.	

EXAMINER:	DATE CONSIDERED:
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* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

FORM PTO-1449/A and B (modified PTO/SB/08) INFORMATION DISCLOSURE STATEMENT BY APPLICANT		APPLICATION NO.: 10/088,826	ATTY. DOCKET NO.: C1005.70008US00
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		GROUP ART UNIT: 1644	EXAMINER: Michail A. Belyavskyi
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	MARSHALL et al., T cell generation including positive and negative selection ex vivo in a three-dimensional matrix. J Hematother Stem Cell Res. 2003 Oct;12(5):565-74.	
	POZNANSKY et al., Tissue source dictates lineage outcome of human fetal CD34(+)CD38(-) cells. Exp Hematol. 2001 Jun;29(6):766-74.	
	POZNANSKY et al., Efficient generation of human T cells from a tissue-engineered thymic organoid. Nat Biotechnol. 2000 Jul;18(7):729-34. Abstract.	
	ROWE et al., Humans can regrow liver cells from bone marrow. Science and Medicine. 2000 July1; 356:48.	
	VEHOF et al., Ectopic bone formation in titanium mesh loaded with bone morphogenetic protein and coated with calcium phosphate. Plast Reconstr Surg. 2001 Aug;108(2):434-43.	

*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. __, filed __, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

[NOTE – No copies of U.S. patents, published U.S. patent applications, or pending, unpublished patent applications stored in the USPTO's Image File Wrapper (IFW) system, are included. See 37 CFR §1.98 and 1287OG163. Copies of all other patent(s), publication(s), unpublished, pending U.S. patent applications, or other information listed are provided as required by 37 CFR §1.98 unless 1) such copies were provided in an IDS in an earlier application that complies with 37 CFR §1.98, and 2) the earlier application is relied upon for an earlier filing date under 35 U.S.C. §120.]

EXAMINER:	DATE CONSIDERED:
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.